



**CITY OF MORGAN HILL  
COUNCIL CHAMBERS**

17555 PEAK AVENUE   MORGAN HILL   CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, JANUARY 9, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

*A Special Meeting is called at 6:30 P.M. for the purpose of  
conducting Closed Sessions.*

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**Dennis Kennedy, Mayor/Chairperson**

**6:30 P.M.**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/ Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/ Agency Secretary Torrez)

6:30 P.M.

## ***City Council Action***

### **CLOSED SESSIONS:**

1.

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure/Initiation of Litigation

Authority: Government Code Section 54956.9(b) & (c)

Number of Potential Cases: 2

## ***City Council and Redevelopment Agency Action***

2.

#### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

##### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of  
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,  
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Santa Clara County Superior, No. CV 799179; USDC Northern California No.  
C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

#### **CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code 54956.8

Real Property Involved: 8.65 acre parcel located on the west side of Condit Road, north of Dunne  
Avenue (APN 728-17-019)

Negotiating Parties:

For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of  
Business Assistance & Housing Services

For Property Owners: Holizon Land Inc.

Closed Session Topic: Acquisition of Real Property

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITY COUNCIL REPORT**

Mayor Kennedy

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items 1 through 7 and Agenda Items 8 and 9 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

- 1) **EXTENSION OF THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE  
AUTHORITY FOR A 10-YEAR TERM** ..... 1
- Recommended Actions:**
1. **Adopt** Resolution No. 5549 to Extend the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) for a 10-year term;
  2. **Authorize** the City Manager's Continued Participation as Member of the Santa Clara County AVASA;  
and
  3. **Approve** the City's Continued Participation in the Existing "Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority" and the Collection, by the Department of Motor Vehicles, of a One Dollar (\$1.00) Vehicle Registration Fee for This Purpose.

2)	<b><u>ACCEPTANCE OF THE COMMUNITY PLAYHOUSE GRADING AND WALL INSTALLATION PROJECT</u></b> .....	5
	<b><u>Recommended Actions:</u></b>	
1.	<b><u>Accept</u></b> as Complete the Community Playhouse Grading and Wall Installation Project in the Final Amount of \$69,455.	
2.	<b><u>Direct</u></b> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
3)	<b><u>COMMUNITY AND CULTURAL CENTER PROJECT - NOVEMBER CONSTRUCTION PROGRESS REPORT</u></b> .....	9
	<b><u>Recommended Action: Informational Only</u></b>	
4)	<b><u>APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MH ENGINEERING FOR DESIGN OF BUTTERFIELD BOULEVARD EXTENSION FROM SAN PEDRO AVENUE TO TENNANT AVENUE</u></b> .....	19
	<b><u>Recommended Actions:</u></b>	
1.	<b><u>Approve</u></b> the Supplemental Proposal; and	
2.	<b><u>Authorize</u></b> the City Manager to Execute an Amendment to the Professional Services Agreement with MH Engineering for Design of Butterfield Boulevard Extension from Tennant Avenue to San Pedro Avenue, Increasing the Approved Amount From \$124,927 to \$172,957.	
5)	<b><u>APPROVAL OF ADDITIONAL WORK WITH THE UNION PACIFIC RAILROAD (UPRR) FOR THE IMPROVEMENTS ASSOCIATED WITH THE MAIN AVENUE/UPRR AT-GRADE CROSSING</u></b> .....	27
	<b><u>Recommended Actions:</u></b>	
1.	<b><u>Appropriate</u></b> \$30,000 From Unappropriated Traffic Impact Fee Fund Balance to Supplement Funding for CIP Project No. 524D00.	
2.	<b><u>Approve</u></b> the Expenditure of \$30,000 for the Construction of Additional Concrete Panels at the Main Avenue/UPRR At-Grade Crossing.	
6)	<b><u>BLOOD DRIVE COSPONSORSHIP</u></b> .....	29
	<b><u>Recommended Action: Agree</u></b> to Cosponsor the Blood Drives at City Hall.	
7)	<b><u>APPROVAL OF CONTRACT FOR MURPHY AVENUE CORRIDOR STUDY CONSULTANT SERVICES</u></b> .....	31
	<b><u>Recommended Actions:</u></b>	
1.	<b><u>Appropriate</u></b> \$56,300 from the Unappropriated Fund Balance from the Traffic Impact Fee Fund for the Murphy Avenue Corridor Study; and	
2.	<b><u>Authorize</u></b> the City Manager to Execute a Consultant Services Agreement for Contract Consultant Services at a Cost Not to Exceed the Above Amount, Subject to City Attorney Approval.	

## ***City Council & Redevelopment Agency Action***

Time Estimate

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Consent Calendar: 1 - 10 Minutes

8)	<b><u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR DECEMBER 5, 2001</u></b> .....	53
9)	<b><u>APPROVE SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR DECEMBER 12, 2001</u></b> .....	67

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
10)	5 minutes	<b><u>ZONING APPLICATION, ZA-01-05/EA-01-12: MONTEREY-SOUTH VALLEY DEVELOPERS (APN 764-10-004)</u></b> .....	77
		<b>Recommended Action(s):</b> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Council discussion. Action- <b>Continue</b> Public Hearing to February 6, 2002	

### OTHER BUSINESS

	Time Estimate		Page
11)	5 minutes	<b><u>REQUEST TO POSTPONE APPEAL HEARING DATE; AND CONSIDER PROPERTY OWNERS' REQUEST FOR SUBPOENAS</u></b> .....	127
		<b>Recommended Actions:</b> 1. <b>Consider</b> Property Owners' Request to Postpone Appeal Hearing Date; and 2. <b>Consider</b> Property Owners' Request for Subpoenas	
12)	5 minutes	<b><u>CITY OF MORGAN HILL'S COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST FOR ISSUANCE OF SUBPOENAS FOR WITNESSES AT THE APPEAL OF THE CODE ENFORCEMENT ACTION - 825 LLAGAS ROAD NUISANCE ABATEMENT</u></b> .....	131
		<b>Recommended Action:</b> <b>Issue</b> Subpoenas to the Following Witnesses to Appear and Testify at the Appeal of the Code Enforcement Action Regarding 825 Llagas Road on January 22, 2002: a) John Condren; b) Jeanne Condren; c) William McClintock; d) Michael Davis; and e) Peter Anderson.	
13)	5 minutes	<b><u>COUNCIL LIAISON TO COMMUNITY GROUP FOR DEVELOPMENT OF A DAY WORKER CENTER</u></b> .....	133
		<b>Recommended Action:</b> <b>Appoint</b> Council Member Hedy Chang as Council Liaison to a Community Group Working on Options for Developing a Day Worker Center in Morgan Hill.	
14)	5 minutes	<b><u>CITIZEN APPOINTMENT TO THE SOUTH COUNTY JOINT PLANNING ADVISORY COMMITTEE</u></b> .....	135
		<b>Recommended Actions:</b> 1. <b>Accept</b> City Council Nominations for Citizen Appointment to Fill Vacancy on the South County Joint Planning Advisory Committee and Ratify the Mayor's Appointment to the Advisory Committee; or 2. <b>Direct</b> the City Clerk to Solicit Applications to Fill Citizen Vacancy to the South County Joint Planning Advisory Committee.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**